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10/019,473	12/21/2001	Timon Jacob Visser	HAC-030	4121

7590

04/28/2003

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EXAMINER

UPTON, CHRISTOPHER

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

019473

Applicant(s)

Visser

Examiner

Upton

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-32 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-26 and 28 is/are rejected.
- ☒ Claim(s) 27 and 29-32 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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1. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and its dependent claims are unclear as to the structure claimed. For example, it is unclear as to the relationship of the two filters, as they could be located at the same location, between the branches. It is also unclear as to what causes water to be diverted. It appears from the specification that the diversion is actually caused by one of the filters, which is located at the junction of the first branch and the downpipe, not in or between the branches, while the other one is located between the branches.

Claim 11 and its dependent claims are also unclear as to the structure claimed. For example, it is unclear as to what caused the diversion and what is bypassed. In claim 22, there is no antecedent basis for the valve tap.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by German reference 29701306.

The German reference discloses a drain system with a filter (26) and another filter (16) in a branch line having first (10) and return (19) branches, and with a sediment collector (9) with a bung (8), as claimed.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Traut.

Traut discloses a branch line with a filter (18), another filter (32) and a sediment trap (23) with a bung (24), as claimed.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over German reference 29701306 or Traut.

Claim 10 differs from the German reference and Traut in recitation of the filter being stainless steel gauze. It is submitted that, although the references do not specify the material of the screens, the use of stainless steel for the screens of Traut and the German reference would have been obvious for one skilled in the art, to avoid corrosion.

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6. Claims 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashurst.

Ashurst discloses a diverter valve and filtering unit having a tank with outlets for filtered and unfiltered water, with a valve having a reservoir controlling flow through the unfiltered water opening and biasing means biasing the valve open until the reservoir weight overcomes the bias, as claimed.

7. Claims 24-26 are rejected under 35 U.S.C. 102(b) as anticipated by Zuber.

Zuber discloses a diverter valve and filtering unit having a tank with outlets for filtered and unfiltered water, with a valve having a reservoir controlling flow through the unfiltered water opening and biasing means biasing the valve open until the reservoir weight overcomes the bias, as claimed.

8. Claims 24-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Mozingo.

Mozingo discloses a diverter valve and filtering unit having a tank with outlets for filtered and unfiltered water, with a valve having a reservoir controlling flow through the unfiltered water opening by a tube connected to a plate covering the opening, and spring biasing means biasing the valve open until the reservoir weight overcomes the bias, as claimed.

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9. Claims 4-9 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The recitation of a downpipe filter with a diverter for a branch line with a filter, dirt trap, and return, and a secondary filter unit with its own branches and a fine filter patentably distinguishes over the prior art of record.

10. Claims 11-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

The recitation of a downpipe filter having a branch, a water tube and a return branch, a flow rate detection device for closing a shutoff valve downstream of the return branch, and a filtration device in the water tube for directing water backing up in the water tube to a storage tank during high flow periods patentably distinguishes over the prior art of record.

11. Claims 27 and 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of a diverter valve and filtering unit having a tank with outlets for filtered and unfiltered water, with a valve having a reservoir controlling flow through the unfiltered water opening by a hollow tube leading from the reservoir opening and connected to a plate covering the opening, and spring biasing means

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biasing the valve open until the reservoir weight overcomes the bias patentably distinguishes over the prior art of record.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include Gall, Detwiler, Salm, Blake, Laughlin, Burge, Takai, Rosebrock, Bolt, Konsalik, Wilczynski, Ranney, Easley, Long and Samide.

13. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, appearing to be 'CU' followed by a stylized flourish.

**CHRISTOPHER UPTON
PRIMARY EXAMINER**